

In the Court of Appeals of the State of Alaska

Albert Allen,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-13357**

Order

Date of Order: **December 9, 2020**

Trial Court Case No. **3AN-17-11183CI**

The Public Defender Agency recently filed a motion asking that it be allowed to withdraw from representing the Appellant, Albert Lee Allen, in this appeal. The agency also requests the appointment of conflict free-counsel to represent Mr. Allen in this case. The Agency explains that Mr. Allen needs conflict-free counsel to evaluate whether to pursue a claim that he was denied his due process right to counsel when the Agency moved to withdraw from his underlying post-conviction relief matter. Finally, the Agency requests that briefing be stayed pending appointment of conflict counsel.

IT IS ORDERED:

1. The Public Defender Agency's motion to withdraw is **GRANTED**.
2. The Office of Public Advocacy is appointed to represent Mr. Allen in this appeal. OPA shall assign an attorney to this case and direct that attorney to promptly file an entry of appearance.
3. Because of the circumstances prompting this Order, the Court notes that if Mr. Allen was denied his right to the assistance of counsel in the superior court, then he would be entitled to have this case returned to the superior court to litigate his application for post-conviction relief with the benefit of appointed counsel. That said, if this appeal resolves short of full briefing, OPA shall expedite its briefing. Because of the age of this case, OPA will not have the benefit of Standing Order 12, and any extensions of time for filing briefs will have to comport with Appellate Rule 503.5.

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After filing an entry of appearance, the appointed attorney shall, as soon as practical, consult with Mr. Allen and the State and then inform this Court if the parties believe that a remand for further proceedings is appropriate.

4. The briefing schedule is stayed, and the opening brief will be due 30 days after the assigned OPA attorney files an entry of appearance.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



Carly Williams, Deputy Clerk

cc: OPA
Distribution:

Email:
Cella, Rachel E., Public Defender
Cicotte, Matthias R